

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:07-cr-230

v.

HON. JANET T. NEFF

CHRISTOPHER TIRRELL GREEN,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Christopher Tirrell Green has filed a motion for modification or reduction of sentence (Dkt 150) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. A Report of Eligibility was filed by the Probation office (Dkt 152), whereby Defendant was found to be eligible for consideration of a modification of sentence. The Probation Office has filed a Sentence Modification Report (Dkt 155), and a response has been filed by Defendant (Dkt 159) and the Government (Dkt 160).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The Sentencing Commission has directed that “[t]he court shall not order a reduced term of imprisonment based on Amendment 782 unless the effective date of the court’s order is November 1, 2015, or later.” USSG § 1B1.10(e)(1) (effective Nov. 1, 2014). Because Defendant is scheduled for release prior to that date, he is ineligible for relief. In this case, a reduction of sentence is inconsistent with the policy statements.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 150) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: May 13, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge